United Nations

A/53/23 (Part V)

General Assembly

Distr.: General
17 August 1998

Original: English

Fifty-third session
Item 18 of the provisional agenda*
Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

(covering its work during 1998)

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Chapter IX

East Timor, Gibraltar, New Caledonia and Western Sahara

Contents

		Paragraphs	Page
A.	Introduction	1–4	3
B.	Consideration by and decisions of the Special Committee	5–33	3
1.	East Timor	5–14	3
2.	Gibraltar	15–19	5
3.	New Caledonia	20–28	5

* A/53/150

** The present document contains chapter IX of the Special Committee's report to the General Assembly. The general introductory chapter will be issued under the symbol A/53/23 (Part I). Other chapters of the report will be issued under the symbol A/53/23 (Parts II-IV, VI-IX). The complete report will be issued subsequently as *Official Records of the General Assembly, Fifty-third Session, Supplement No. 23* (A/53/23).

98-24410 (E) 300998

4. Western Sahara 29–32 6

C. Recommendation of the Special Committee 33 6

Question of New Caledonia 33 6

A. Introduction

1. At its 1484th meeting, on 6 February 1998, the Special Committee decided, *inter alia*, to take up the question of East Timor, Gibraltar, New Caledonia and Western Sahara as separate items and to consider them in its plenary meetings (see A/AC.109/L.1871).

2. The present chapter contains an account of the consideration by the Special Committee of the Territories (sect. B). It also sets forth the recommendation on the question of New Caledonia to the General Assembly at its fifty-third session (sect. C).

3. In its consideration of the questions, the Special Committee took into account General Assembly resolutions 52/78 and 52/79 of 10 December 1997 and decisions 52/402 and 52/419 of 19 September and 10 December 1997 respectively, as well as other relevant resolutions and decisions.

4. In its capacity as the administering Power concerned, and in accordance with established procedures, Portugal participated in the work of the Special Committee in relation to East Timor.

B. Consideration by and decisions of the Special Committee

1. East Timor

5. The Special Committee considered the question of East Timor at its 1488th to 1491st meetings, from 30 June to 2 July 1998.

6. During its consideration of the question, the Special Committee had before it a working paper prepared by the Secretariat containing information on developments concerning the Territory (A/AC.109/2111 and Add.1).

7. At its 1487th meeting, on 29 June 1998, the Special Committee granted requests for hearing from the following petitioners and heard their statements at the meetings indicated below:

1488th meeting

Mr. Eric Gustafson, on behalf of East Timor Action Network/United States
Mrs. Rodica Pintea-Austin, Member London University
Mr. Abílio Araújo, Timor Foundation for Reconciliation & Development
Mr. Rogério Pereira, Timorese Youth for Reconciliation
Mr. Azancot de Menezes, Associação Socialista de Timor
Mr. Antonio Tavares, SOS – Associação de Defesa dos Angolanos
Mr. José Ramos-Horta, National Council of Timorese Resistance
Mr. Augusto N. Miclat, Jr., Asia-Pacific Coalition for East Timor

1489th meeting

Professor Richard Tanter, Kyoto East Timor Association
Mr. Arsenio Paixo Bano, on behalf of the British Coalition for East Timor
Mr. Max Surjadinata, East Timor Alert Network/Canada
Mr. Basilio Dias Araujo, Indonesian Association of British Alumni of East Timor
Mr. Robert Murken, on behalf of Pax Christi International
Ms. Masako Kimura, on behalf of Free East Timor Japan Coalition
Ms. Maria Lurdes Soares, East Timor Cultural, Ethnic and Research Centre

Mr. Valente de Araujo
Mr. Matthew Traub, on behalf of Ms. Nita M. Lowey, Member of the United States Congress
Mr. João Carrascalão, Timorese Democratic Union
Mr. José Luis Guterres, Frente Revolucionaria da Timor-Leste Independente (FRETILIN)
Mr. Mari Alkatiri, Professor, University of Eduardo Mondlane
Ms. Miranda Sissons, on behalf of Hobart East Timor Committee
Mr. Cipriano Magno
Ms. Vanessa Ramos, on behalf of International Platform of Jurists for East Timor
Mr. Stevanus Waisapy, Solidaritas Pemuda Indonesia

1490th meeting

Mr. Carlos Alga, Rede de Colidaridad Internacional
Mr. Carlos de Fatima
Mr. Abilio Sereno, Committee of the Peace and Development in East Timor
Mr. Gil da Costa Alves
Mr. Augostinho Goncalves, National Committee of Indonesian Youth in East Timor
Mr. Ramidan Allan Purba, Forum Pemuda-Pemudi Indonesia
Mr. John Miller, on behalf of Parliamentarians for East Time
Mr. Samsu Mafudi, The Indonesian American, Inc.
Ms. Eva Toth, on behalf of Amnesty International
Mr. Nuno Krus Abecasis, Member of Parliament, Social Democratic Center-Popular Party
Mr. António Barbosa de Melo, Member of Parliament, Social Democratic Party
Mr. Carlos Manuel Luís, Member of Parliament, Socialist Party

1491st meeting

Mr. João Cerveira Corregedor da Fonseca, Member of Parliament, Communist Party
Mr. Tom Kellogg, on behalf of Human Rights Watch/Asia
Sister Mary Therese Plante, on behalf of Catholic Institute for International Relations and Japanese Catholic Council for Justice and Peace
Mr. Filomeno de Jesus Hornay
Mr. Soenarto S. Atmodjo, Chairman, Forum Nusantara
Mr. Eliot Hoffman, on behalf of Australian Coalition for East Timor
Mr. Frank Fitzgerald, on behalf of East Timor – Ireland Solidarity Committee
Mr. Ahmad Z. Hadi Wayarabi, Indonesian Students Association
Mr. Grover Joseph Rees, on behalf of Mr. Christopher Smith, Subcommittee on International Operations and Human Rights, United States House of Representatives
Mr. John Miller, East Timor International Support Center of Darwin, Australia
Mr. Constancio Días Pinto, National Resistance of East Timorese Students

8. At the 1488th meeting, on 30 June 1998, the Chairman informed the Special Committee that the delegations of Brazil and Sao Tome and Principe had expressed the wish to participate in the Special Committee's consideration of the item. The Special Committee decided to accede to the request.

9. At the same meeting, statements were made by the representatives of Indonesia, Portugal and Sao Tome and Principe. The representative of Indonesia made a further statement (see A/AC.109/SR.1488).

10. At the 1489th meeting, on 1 July 1998, the representative of Indonesia made a statement on a point of order.

11. At the 1489th and 1490th meetings, on 1 and 2 July 1998, the representatives of Portugal and Indonesia made further statements (see A/AC.109/SR.1489-1490).

12. At the 1491st meeting, on 2 July 1998, the representative of Brazil, on behalf of the Community of Portuguese-Speaking Countries (Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Portugal and Sao Tome and Principe) made a statement (see A/AC.109/SR.1491). The representative of Portugal also made a statement (see A/AC.109/SR.1491).

13. At the same meeting, statements in the exercise of right of reply were made by the representatives of Indonesia and Portugal (see A/AC.109/SR.1491).

Decision of the Special Committee

14. At its 1491st meeting, on 2 July 1998, on the proposal of the Acting Chairman, the Special Committee decided to continue consideration of the question at its next session, subject to any directives that the General Assembly might give in that connection at its fifty-third session.

2. Gibraltar

15. The Special Committee considered the question of Gibraltar at its 1478th meeting, on 29 June 1998.

16. During its consideration of the question, the Special Committee had before it a working paper prepared by the Secretariat containing information on developments concerning the Territory (see A/AC.109/2112).

17. At the 1487th meeting, the Acting Chairman informed the Special Committee that the delegation of Spain had requested to participate in the Special Committee's consideration of the question. The Special Committee decided to accede to the request.

18. At the same meeting, with the consent of the Special Committee, Mr. Peter Caruana, Chief Minister of Gibraltar, made a statement (see A/AC.109/SR.1487). The representative of Spain also made a statement (see A/AC.109/SR.1487).

Decision of the Special Committee

19. At its 1487th meeting, on 29 June 1998, on the proposal of the Acting Chairman, the Special Committee decided to continue its consideration of the question at its next session, subject to any directives that the General Assembly might give in that connection at its fifty-third session and, in order to facilitate consideration of the question by the Special Political and Decolonization Committee (Fourth Committee), to transmit the relevant documentation to the Assembly.

3. New Caledonia

20. The Special Committee considered the question of New Caledonia at its 1493rd, 1495th and 1496th meetings, from 7 to 13 July 1998.

21. During its consideration of the question, the Special Committee had before it a working paper prepared by the Secretariat containing information on developments concerning the Territory (A/AC.109/2114).

22. In accordance with a decision taken at the 1493rd meeting, Mr. Roch Wamytan, Front de libération nationale Kanak socialiste (FLNKS), made a statement at the 1495th meeting of the Special Committee, on 10 July 1998.

23. At the same meeting, statements were made by the representatives of China, Papua New Guinea, Côte d'Ivoire, Fiji and the Syrian Arab Republic.

24. At the same meeting, the representative of France, the administering Power, made a statement.

25. At the same meeting, the Special Committee decided to postpone the consideration of the item to a later stage of its work.

26. At the 1496th meeting, on 13 July 1998, the representative of Papua New Guinea introduced draft resolution A/AC.109/L.1878/Rev.1.

27. At the same meeting, the Special Committee adopted draft resolution A/AC.109/L.1878/Rev.1 without a vote (A/AC.109/2127).

Decision of the Special Committee

28. The text of the resolution (A/AC.109/2127) adopted by the Special Committee at its 1496th meeting, on 13 July 1998 appears in section C in the form of a recommendation of the Special Committee to the General Assembly.

4. Western Sahara

29. The Special Committee considered the question of Western Sahara at its 1488th meeting, on 30 June 1998.

30. During its consideration of the question, the Special Committee had before it a working paper prepared by the Secretariat containing information on developments concerning the Territory (A/AC.109/2118).

31. At its 1487th meeting, on 29 June, the Special Committee granted a request for hearing to Mr. Moulud Said of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO). Mr. Said made a statement at the 1488th meeting of the Special Committee (see A/AC.109/SR.1488).

Decision of the Special Committee

32. At its 1488th meeting, on 30 June 1998, on the proposal of the Acting Chairman, the Special Committee decided, subject to any directives that the General Assembly might give in that connection at its fifty-third session and in order to facilitate consideration of the question by the Special Political and Decolonization Committee (Fourth Committee), to transmit the relevant documentation to the Assembly.

C. Recommendation of the Special Committee

33. In accordance with decisions taken at its 1484th and 1496th meetings, on 6 February and 13 July 1998, respectively, the Special Committee recommends to the General Assembly the adoption of the following draft resolution:

Question of New Caledonia

The General Assembly,

Having considered the question of New Caledonia,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation on the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to New Caledonia,[1]

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling its resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote political, economic and social development in the Territory, including measures in the area of environmental protection and action with respect to drug abuse and trafficking, in order to provide a framework for its peaceful progress to self-discrimination,

Noting also, in this context, the importance of equitable economic and social development, as well as continued dialogue among the parties involved in New Caledonia in the preparation of the act of self-determination of New Caledonia,

Welcoming the strengthening of the process of review of the Matignon Accords[2] through the increased frequency of coordination meetings,

Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region,

1. *Welcomes* the significant developments that have taken place in New Caledonia as exemplified by the signing of the Nouméa Accord of 5 May 1998[3] between the representatives of New Caledonia and the Government of France;

2. *Notes* the relevant provisions of the Nouméa Accord aimed at taking more broadly into account the Kanak identity in the political and social organization of New Caledonia, and also those provisions of the Accord relating to control of immigration and protection of local employment;

3. *Notes* the relevant provisions of the Nouméa Accord to the effect that New Caledonia may become a member or associate member of certain international organizations (such as international organizations in the Pacific region, the United Nations, the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization) according to their regulations;

4. *Notes* the agreement between the signatories of the Nouméa Accord that the progress made in the emancipation process shall be brought to the attention of the United Nations;

5. *Invites* the administering Power to consider inviting to New Caledonia, at the time the new institutions are established, a mission of information which could comprise representatives of countries of the Pacific region;

6. *Calls upon* the administering Power to transmit information regarding the political, economic and social situation of New Caledonia to the Secretary-General;

7. *Urges* all the parties involved, in the interest of all the people of New Caledonia and building on the positive outcome of the review of the Matignon and Nouméa Accords, to maintain their dialogue in a spirit of harmony;

8. *Invites* all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all New Caledonians according to the letter

and spirit of the Matignon and Nouméa Accords, which are based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

9. *Welcomes* measures that have been taken to strengthen and diversify the New Caledonian economy in all fields, and encourages further such measures in accordance with the spirit of the Matignon and Nouméa Accords;

10. *Also welcomes* the importance attached by the parties to the Matignon and Nouméa Accords to greater progress in housing, employment, training, education and health care in New Caledonia;

11. *Acknowledges* the contribution of the Melanesian Cultural Centre to the protection of the indigenous culture of New Caledonia;

12. *Notes* the positive initiatives aimed at protecting the natural environment of New Caledonia, notably the "Zonéco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

13. *Acknowledges* the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French and territorial authorities to facilitate the further development of those links, including the development of closer relations with the countries members of the South Pacific Forum;

14. *Welcomes*, in particular, in this regard, continuing high-level visits to New Caledonia by delegations from countries of the Pacific region and high-level visits by delegations from New Caledonia to countries members of the South Pacific Forum;

15. *Decides* to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Nouméa Accord;

16. *Requests* the Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue the examination of this question at its next session and to report thereon to the General Assembly at its fifty-fourth session.

Notes

[1] The present chapter

[2] See A/AC.109/1000, paras. 9-14.

[3] See A/AC.109/2114, annex.